

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1427-AIR-E TCEQ ID: RN102457520 CASE NO.: 34555
RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

Page 1 of 6

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Total Petro Chemicals USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are six additional pending enforcement actions regarding this facility location, Docket Nos. 2006-0561-AIR-E, 2007-0172-AIR-E, 2007-0243-AIR-E, 2008-0413-AIR-E, 2008-0726-AIR-E, and 2008-0989-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 12, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Darrell Jacob, Refinery Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 849, Port Arthur, Texas 77641 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1427-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 7-20, 2007; July 30-August 7, 2007 and September 26, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 14, 2007, August 31, 2007 and October 27, 2007 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to maintain an emission rate below the allowable emission limits for Carbon Monoxide ("CO"). Specifically, on May 4, 2006, for a period of one hour ("hr"), the Fluid Catalytic Cracking Unit ("FCCU") Regenerator stack emitted unauthorized emissions of approximately 71.31 pounds ("lbs") of CO to the atmosphere [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), Federal Operating Permit ("FOP") No. O-01267, General Terms and Conditions ("GTC") and Special Condition ("SC") 27, Air Permit 18936/PSD-TX-762M2, General Condition ("GC") 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to conduct compliance testing for the 805 Charge Heater (EPN 51DHTIH-1), 805 Reboiler (EPN 51DHTIH-3), Mild Hydrocracker ("MHC") H-1 Heater (EPN52DHT2H-1) and the Distillate Hydrotreater ("DHT") Florida Heater (EPN52DHT2H-2A/B) within 60 days of the initial startup which occurred on July 8, 2005, May 11, 2006, July 20, 2006 and March 9, 2007, respectively [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 2347, SC 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$529,300</p> <p>Total Deferred: \$105,860 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$211,720</p> <p>Total Paid to General Revenue: \$211,720</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On March 7, 2007, and June 6, 2007 through August 27, 2007, capped the three open-ended lines and twelve leaking fugitive components in the LPG Loading area that were discovered on the same dates. On September 18, 2007, the Respondent submitted documentation that enhanced leak detection and repair ("LDAR") procedures were in place for open-ended lines;</p> <p>b. On October 15, 2007, submitted documentation that fresh carbon was placed in the canisters on the date of discovery of breakthrough for the Southeast of the GHT and North Storm-water sump;</p> <p>c. On October 15, 2007, submitted documentation that training and counseling were administered in December 2006 to the concerned employees on the loading restrictions to ensure compliance with loading limits of Gas Oil at Dock 2;</p> <p>d. On May 30, 2007, launched an electronic compliance system at the Plant to alert personnel when to take pre-emptive action prior to exceeding a permit limit for CO at the FCCU Regenerator Stack and the Tail Gas Thermal Oxidizer and for SO₂ at the Sulfur Recovery Unit 1 and 2 process vents. The system alerts personnel when predetermined internal limits are exceeded allowing for corrective action prior to exceeding a permit limit;</p> <p>e. On October 15, 2007, submitted documentation that the refinery's LDAR program has been updated to include Tanks 595 and 596 for monitoring with a hydrocarbon analyzer;</p> <p>f. On August 30, 2007, completed the compliance testing for the 805 Charge Heater [Emissions Point Number ("EPN") 51DHTIH-1], Reboiler (EPN 51DHTIH-3), MHC H-1 heater (EPN 52DHT2H-1)</p>

<p>3) Failure to maintain Volatile Organic Compound ("VOC") emissions below the allowable emission rates. Specifically, Tanks 482 and 540 exceeded their tons per year ("tpy") limit by 21.58 tpy as documented in the 2005 Emissions Inventory ("EI") [30 TEX. ADMIN. CODE §§ 106.6(b), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 56385, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to operate Spent Acid Tanks 688 and 923 in accordance with Permit-by-Rule requirements. Specifically, Spent Acid Tanks 688 and 923 were not operating within the required Reid Vapor Pressure for tanks containing VOCs according to sampling conducted in February 2005 for Tank 923 and in March 2005 for Tank 688 [30 TEX. ADMIN. CODE §§ 106.472, 115.112(a)(1), 122.143(4), FOP No. O-01267, GTC and SC 4, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to comply with the Nitrogen Oxide ("NOx") maximum allowable emissions rate of 9.93 lbs/hr for the Crude Unit Heater (ID 02ACU2H201) intermittently from March 3, 2006 through July 18, 2007. The calculated NOx emissions ranged up to 22.2 lbs/hr [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 18936 and PSD-TX-762M2, GC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to maintain NOx emissions below the allowable emission rates. Specifically, 0.91 tpy of unauthorized NOx emissions from the 805 Reboiler was released as documented in the 2005 EI [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 234, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to maintain CO emissions below the allowable emissions limit. Specifically, on May 17, 2006, 18.26 lbs/hr of unauthorized CO were released from the Tail Gas Thermal Oxidizer to the atmosphere [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 9195A and PSD-TX-453M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to limit the discharge of Sulfur Dioxide ("SO₂") into the atmosphere to 250 parts per million ("ppm") by volume at 0%</p>		<p>and the DHT Florida Heater (EPN 52DHT2H-2A/B); and</p> <p>g. On October 15, 2007, submitted documentation that a revised Standard Operating Procedure has been implemented designed to ensure timely reporting of emissions events. Additionally, on April 20, 2007, Beaumont Regional Office received an emissions report for the March 16, 2007 emissions event.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement procedures to ensure routine visual inspection on the secondary seal of the external floating roof Tank 453 is conducted;</p> <p>ii. Implement, as necessary, upgrades to ensure compliance with SC 4 and 5 of Permit No. 56385 during the unloading of frac Tank Nos. FO4075 and FO3025;</p> <p>iii. Report all the deviations associated with Violation Nos. 13, 14, 15, and 17 on the next deviation report;</p> <p>iv. Remove Spent Acid Tanks 688 and 923 from VOC service or obtain authorization in accordance with 30 TEX. ADMIN. CODE § 115.112 for VOC storage;</p> <p>v. Implement measures designed to prevent the recurrence of emissions events due to causes the same as those associated with the March 16, 2007 event;</p> <p>vi. Submit administratively complete permit applications to: 1) obtain authorization for the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B; 2) raise the firing rate of the Crude Unit Heaters and the 805 Reboiler to ensure compliance with permitted NOx limits; 3) raise VOC limits on Tanks 482 and 540 to a rate that is equal to or greater than the emission rates reported in the</p>
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<p>excess air from the Claus Sulfur Recovery plant. Specifically, 24 exceedances of the 250 ppm SO₂ 12-hour rolling average were documented on July 2-3, 2006 from the Sulfur Recovery Unit 1 and 2 process vents (units IDs 14SRU1PCV and 33SRUPCV) [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.780, 116.115(c), 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.104(a)(2)(i), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 9195A and PSD-TX-453M6, SC 3, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failure to equip three open-ended lines and valves with a cap, blind flange, plug or second valve. Specifically, on March 7, 2007, the plugs were found missing at Tanks 504, 595, and 596 and replaced [30 TEX. ADMIN. CODE §§ 113.340, 115.352(4), 116.155(c), 122.143(4), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 56385, SC 12E, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>10) Failure to prevent venting of VOC emissions directly to the atmosphere through the tank's hatches and an open process drain during the unloading of the two frac tanks (FO4075 and FO3025) on March 7, 2007 [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 56385, SC 4 and 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>11) Failure to maintain the exterior surface of the tank as white or aluminium. Specifically, Tank 516 appeared rusty and black as observed and documented by the TCEQ investigator on March 7, 2007 [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 46396, SC 8F and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>12) Failure to maintain the permitted loading limit of 500,050 barrels per year of Gas Oil at Dock 2. Specifically, a total of 1,660,191 barrels of Gas Oil at Dock 2 were loaded from January to December 2006 [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 49743, SC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>13) Failure to conduct fugitive monitoring using hydrocarbon gas analyzer from January 2005 through December 2006. Specifically, monitoring was not performed on Tanks 595 and 596 all four quarters in 2005 and 2006 [30 TEX. ADMIN. CODE §§ 113.340, 115.354(2), 116.115(c), 122.143(4), FOP</p>	<p>2005 EI; 4) amend Permit No. 46396, SC 8F to change the required color of Tank 516 from white or aluminum to black, or paint Tank 516 white or aluminum to black, or paint Tank 516 white or aluminum;</p> <p>b. Within 45 days after the effective date of this Agreed Order, or within 105 days with regard to the color of Tank 516 if the option is exercised for painting the tank rather than amending the permit to change the required color, submit certification as described in Ordering Provision No. 2.e. below for Ordering Provision No. 2.a.;</p> <p>c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit applications within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>d. Within 180 days after the effective date of this Agreed Order, submit certification that 1) either authorization to operate the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B as a source of air emissions has been obtained or that operation has ceased until such a time that appropriate authorization is obtained; 2) the firing rates of the Crude Unit Heaters and the 805 Reboiler have been raised to ensure compliance with permitted NO_x limits; 3) the VOC limits on Tanks 482 and 540 have been raised to a rate that is equal to or greater than the emission rates reported in the 2005 EI; and</p> <p>e. The certifications required by Ordering Provision Nos. 2.b. and 2.d. should include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.c.</p>
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No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 12 F and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. Specifically, on January 3 through 9, 2005, the carbon canister series for the Southeast of the Gas Heater Treater ("GHT") was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on January 10, 2005 [30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-01267, GTC and SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. Specifically, on March 23 through 25, 2005, the carbon canister series for the North stormwater sump was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on March 28, 2005 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 122.143(4), 40 CFR § 60.695(a)(3)(ii), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16) Failure to obtain permit authorization for four carbon canister series identified as Southwest of GHT, End of Dock 1, in front of Dock 3A and South Side Dock 3B. Specifically, the four units were documented as releasing emissions to the atmosphere during an investigation on March 7 through 20, 2007 without a permit or authorization [30 TEX. ADMIN. CODE §§ 116.110(a), 122.143(4), FOP No. O-01267, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17) Failure to repair twelve leaking fugitive components in the Liquid Petroleum Gas ("LPG") loading area within 15 days after the discovery of the leaks. Specifically, eight valve packings, two valve screwed fittings and two valve bushings were incorrectly designated as infeasible to repair and were not repaired within 15 days [30 TEX. ADMIN. CODE §§ 101.20(1), 113.340, 115.352(2), 116.115(c), 122.143(4), 40 CFR § 60.592(a), FOP No. O-01267, GTC and SC 1A, Air Permit No. 19965, SC 2 and 5H, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18) Failure to perform visual inspection on

<p>the secondary seal of external floating roof tank 453 from July through December 2006. Specifically, visual inspection is required at least once every six months on an external floating roof tank [30 TEX. ADMIN. CODE §§ 115.114(a)(4), 122.143(4), FOP No. O-01267, GTC and SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>19) Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. Specifically, six deviations were not reported in a semi-annual report or the annual compliance certifications for the years 2005 and 2006 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(5)(D), FOP No. O-01267, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>20) Failure to submit the initial notification of a reportable emissions event within 24 hours of discovery to the TCEQ Beaumont Regional Office. Specifically, the emissions event which occurred on March 16, 2007 at the Cogen Stack, EPN 60COGNSTK (Incident No. 89927) was not submitted to the TCEQ until April 20, 2007 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B), 122.143(4), FOP No. O-01267, GTC, and SC 2F and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>21) Failure to prevent unauthorized emissions of 216.64 lbs of NOx during a two hour emissions event which occurred at the Cogen Stack, EPN 60COGNSTK on March 16, 2007, (Incident No. 89927) due to unexpected sticking of the 63PV3025 steam control let-down valve causing the NOx steam system to shutdown. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267 GTC and SC 27, Air Permit No. 16840 and PSD-TX-688M2, GC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): JE0005H

Attachment A
Docket Number: 2007-1427-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TOTAL PETROCHEMICALS USA, INC.
Payable Penalty Amount:	Four Hundred Twenty-Three Thousand Four Hundred Forty Dollars (\$423,440)
SEP Amount:	Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon

emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	29-Oct-2007	Screening	1-Nov-2007	EPA Due	8-Jun-2008
	PCW	3-Dec-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	TOTAL PETROCHEMICALS USA, INC.
Reg. Ent. Ref. No.	RN102457520
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34555	No. of Violations	21
Docket No.	2007-1427-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$178,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	200% Enhancement	Subtotals 2, 3, & 7	\$356,200
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Notes

Penalty enhancement for six (6) 1660 orders, one (1) findings order, one (1) federal order without denial of liability and ten (10) NOV's without same or similar violations, including five (5) self-reported effluent violations.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary	
Ordinary	
N/A	X (mark with x)

Extraordinary

Ordinary

N/A

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts	\$8,332
Approx. Cost of Compliance	\$106,850

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$534,300

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$534,300

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$529,300

DEFERRAL

20%

Reduction

Adjustment

-\$105,860

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$423,440

Screening Date 1-Nov-2007

Docket No. 2007-1427-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 34555

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 200%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement for six (6) 1660 orders, one (1) findings order, one (1) federal order without denial of liability and ten (10) NOVs without same or similar violations, including five (5) self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 200%

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW		
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 34555		<small>PCW Revision June 26, 2007</small>		
Reg. Ent. Reference No. RN102457520				
Media [Statute] Air				
Enf. Coordinator Daniel Siringi				
Violation Number	<div style="border: 1px solid black; padding: 2px;">1</div>			
Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), Federal Operating Permit ("FOP") No. O-01267, General Terms and Conditions ("GTC") and Special Condition ("SC") 27, Air Permit 18936/PSD-TX-762M2, General Condition ("GC") 8, and Tex. Health & Safety Code § 382.085(b)</div>			
Violation Description	<div style="border: 1px solid black; padding: 2px;">Failed to maintain an emission rate below the allowable emission limits for Carbon Monoxide ("CO"). Specifically, on May 4, 2006, for a period of one hour, the Fluid Catalytic Cracking Unit ("FCCU") Regenerator stack emitted unauthorized emissions of approximately 71.31 pounds ("lbs") of CO to the atmosphere.</div>			
Base Penalty		<div style="border: 1px solid black; padding: 2px;">\$10,000</div>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
		Percent	<div style="border: 1px solid black; padding: 2px;">25%</div>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
		Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>	
Matrix Notes	<div style="border: 1px solid black; padding: 2px;">Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>			
Adjustment		<div style="border: 1px solid black; padding: 2px;">\$7,500</div>		
		<div style="border: 1px solid black; padding: 2px;">\$2,500</div>		
Violation Events				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days	
		<div style="border: 1px solid black; padding: 2px;">1</div>		
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	quarterly	x		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
Violation Base Penalty		<div style="border: 1px solid black; padding: 2px;">\$2,500</div>		
One quarterly event is recommended.				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$348</div>	Violation Final Penalty Total	<div style="border: 1px solid black; padding: 2px;">\$7,500</div>
			This violation Final Assessed Penalty (adjusted for limits)	<div style="border: 1px solid black; padding: 2px;">\$7,500</div>

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$6,500	4-May-2006	30-May-2007	1.1	\$348	n/a	\$348

Notes for DELAYED costs

Estimated cost of launching an electronic compliance system to alert personnel when to take pre-emptive action prior to exceeding a permit limit. Date required is the date of exceedance and final date is the date the Respondent completed installing a new electronic compliance system at the refinery.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,500

TOTAL

\$348

Screening Date 1-Nov-2007 Respondent TOTAL PETROCHEMICALS USA, INC. Case ID No. 34555 Reg. Ent. Reference No. RN102457520 Media [Statute] Air Enf. Coordinator Daniel Siringi Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 2347, SC 10, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2007-1427-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>
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Violation Description	Failed to conduct compliance testing for the 805 Charge Heater (EPN 51DHTIH-1), 805 Reboiler (EPN 51DHT1H-3), Mild Hydrocracker ("MHC") H-1 Heater (EPN52DHT2H-1) and the Distillate Hydrotreater ("DHT") Florida Heater (EPN52DHT2H-2A/B) within 60 days of the initial startup which occurred on July 8, 2005, May 11, 2006, July 20, 2006, and March 9, 2007, respectively.
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Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
100% of the rule requirement was not met.					25%

Adjustment	\$7,500
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Adjustment	\$2,500
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Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="4"/>	Number of violation days <input style="width: 50px;" type="text" value="760"/>
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<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

Four single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 150px;" type="text" value="\$3,956"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$30,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$30,000"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$40,000	7-Sep-2005	30-Aug-2007	2.0	\$3,956	n/a	\$3,956

Notes for DELAYED costs

Estimated cost of conducting compliance testing for four heaters. Date required is the date testing was required for the first burner and final date is the date the Respondent completed conducting stack sampling on the four heaters.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40,000

TOTAL

\$3,956

Screening Date	1-Nov-2007	Docket No.	2007-1427-AIR-E	PCW
Respondent	TOTAL PETROCHEMICALS USA, INC.			Policy Revision 2 (September 2002)
Case ID No.	34555			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102457520			
Media [Statute]	Air			
Enf. Coordinator	Daniel Siringi			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 106.6(b), 116.115(b)(2)(F) and c, 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 56385, SC 1, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain Volatile Organic Compound ("VOC") emissions below the allowable emission rates. Specifically, Tanks 482 and 540 exceeded their tons per year ("tpy") limit by 21.58 tpy as documented in the 2005 Emissions Inventory.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent	<input type="text" value="50%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="8"/>	<input type="text" value="365"/>	Number of violation days	
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mark only one with an x		daily	<input type="text"/>		
		monthly	<input type="text"/>		
		quarterly	<input checked="" type="checkbox"/>		
		semiannual	<input type="text"/>		
		annual	<input type="text"/>		
		single event	<input type="text"/>		

Eight quarterly events are recommended, four per Tank.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$365"/>	Violation Final Penalty Total <input type="text" value="\$120,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$120,000"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,500	22-May-2006	19-Mar-2008	1.8	\$228	n/a	\$228
Other (as needed)	\$1,500	22-May-2006	19-Mar-2008	1.8	\$137	n/a	\$137

Notes for DELAYED costs

Estimated cost of process changes necessary to reduce VOC emissions and/or obtain authorization to increase emissions based on the current vapor pressure data from Tanks 482 and 540. Date required is the date of exceedances and final date is the date the Respondent is expected to complete all the corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

TOTAL

\$365

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34555		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Daniel Siringi		
Violation Number	<input type="text" value="4"/>	
Rule Cite(s)	30 Tex. Admin. Code §§ 106.472, 115.112(a)(1), and 122.143(4), FOP No. O-01267, GTC and SC 4, and Tex. Health & Safety Code §382.085(b)	
Violation Description	Failed to operate Spent Acid Tanks 688 and 923 in accordance with Permit-by-Rule requirements. Specifically, Spent Acid Tanks 688 and 923 were not operating within the required Reid Vapor Pressure ("RVP") for tanks containing VOCs due to hydrocarbon carryover.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	<input type="text" value="\$7,500"/>
	<input type="text" value="\$2,500"/>

Violation Events

Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="2"/>
<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
Violation Base Penalty <input type="text" value="\$5,000"/>			

Two single events are recommended, one per tank.
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$909"/>	Violation Final Penalty Total <input type="text" value="\$15,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$15,000"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$20,000	7-Aug-2007	19-Mar-2008	0.6	\$41	\$822	\$863
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,500	7-Aug-2007	19-Mar-2008	0.6	\$46	n/a	\$46
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of modifications necessary to prevent hydrocarbon carryover to the spent acid tanks and/or obtaining a permit for the two tanks. Date required is the date of the first sampling and the final date is the estimated date of corrective action completion.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$21,500

TOTAL

\$909

Screening Date 1-Nov-2007		Docket No. 2007-1427-AIR-E		PCW		
Respondent TOTAL PETROCHEMICALS USA, INC.		<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 34555		<i>PCW Revision June 26, 2007</i>				
Reg. Ent. Reference No. RN102457520						
Media [Statute] Air						
Enf. Coordinator Daniel Siringi						
Violation Number		<div style="border: 1px solid black; padding: 2px;">5</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 18936 and PSD-TX-762M2, GC 8, and Tex. Health & Safety Code § 382.085(b)</div>				
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to comply with the Nitrogen Oxide ("NOx") maximum allowable emissions rate of 9.93 lbs/hr for the Crude Unit Heater (ID 02ACU2H201) intermittently from March 3, 2006 through July 18, 2007. The calculated NOx emissions ranged up to 22.2 lbs/hr.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x		
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent	<div style="border: 1px solid black; padding: 2px;">25%</div>
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$7,500</div>	
					<div style="border: 1px solid black; padding: 2px;">\$2,500</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">6</div>		<div style="border: 1px solid black; padding: 2px;">502</div> Number of violation days		
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	quarterly	x				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
Violation Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$15,000</div>	
Six quarterly events are recommended from March 3, 2006 to July 18, 2007.						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$153</div>		Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$45,000</div>		
					This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px;">\$45,000</div>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	3-Mar-2006	19-Mar-2008	2.0	\$153	n/a	\$153

Notes for DELAYED costs

Estimated cost of maintaining permitted NOx emission rate for the Crude Unit Heater. Date required is the initial date of exceedance and final date is the date the Respondent is expected to have completed corrective action.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$153

Screening Date	1-Nov-2007	Docket No.	2007-1427-AIR-E	PCW
Respondent	TOTAL PETROCHEMICALS USA, INC.			Policy Revision 2 (September 2002)
Case ID No.	34555			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102457520			
Media [Statute]	Air			
Enf. Coordinator	Daniel Siringi			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 234, SC 1, and Texas Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain NOx emissions below the allowable emission rates. Specifically, 0.91 tpy of unauthorized NOx emissions from the 805 Reboiler were released as documented in the 2005 Emissions Inventory.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Percent

>> Programmatic Matrix

		Falsification		Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events	4		365	Number of violation days
----------------------------	---	--	-----	--------------------------

		daily		
		<input type="text"/>	<input type="text"/>	
		<input type="text"/>	<input type="text"/>	
mark only one with an x		<input checked="" type="text" value="x"/>	<input type="text"/>	
		<input type="text"/>	<input type="text"/>	
		<input type="text"/>	<input type="text"/>	
		<input type="text"/>	<input type="text"/>	

Violation Base Penalty

Four quarterly events are recommended based on 2005 Emissions Inventory.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 100px;" type="text" value="\$321"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$30,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$30,000"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Jan-2005	19-Mar-2008	3.2	\$321	n/a	\$321

Notes for DELAYED costs

Estimated cost of maintaining the permitted NOx emission rate for the 805 Reboiler. Date required is the date of exceedance and final date is the date the Respondent is expected to have completed corrective action.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$321

Screening Date 1-Nov-2007 Respondent TOTAL PETROCHEMICALS USA, INC. Case ID No. 34555 Reg. Ent. Reference No. RN102457520 Media [Statute] Air Enf. Coordinator Daniel Siringi Violation Number <input type="text" value="7"/> Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 9195A and PSD-TX-453M6, SC 1, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2007-1427-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>
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Violation Description	Failed to maintain CO emissions below the allowable emissions limit. Specifically, on May 17, 2006, 18.26 lbs/hr of unauthorized CO were released from the Tail Gas Thermal Oxidizer to the atmosphere.
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Base Penalty	<input type="text" value="\$10,000"/>
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	<input type="text" value="\$7,500"/>
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Adjustment	<input type="text" value="\$2,500"/>
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Violation Events

	<input type="text" value="1"/>		<input type="text" value="1"/>	Number of violation days
--	--------------------------------	--	--------------------------------	--------------------------

mark only one with an x	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Violation Base Penalty	<input type="text" value="\$2,500"/>
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One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$7,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$7,500"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
 Case ID No. 34555
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Refer to Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 1-Nov-2007 Respondent TOTAL PETROCHEMICALS USA, INC. Case ID No. 34555 Reg. Ent. Reference No. RN102457520 Media [Statute] Air Enf. Coordinator Daniel Siringi Violation Number 8 Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (3), 113.780, 116.115(c), 122.143(4), 40 Code of Federal Regulations ("CFR") § 60.104(a)(2)(i), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 9195A and PSD-TX-453M6, SC 3, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2007-1427-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>
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Violation Description	Failed to limit the discharge of Sulfur Dioxide ("SO ₂ ") into the atmosphere to 250 parts per million ("ppm") by volume at 0% excess air from the Claus Sulfur Recovery plant. Specifically, 24 exceedances of the 250 ppm SO ₂ 12-hour rolling average were documented on July 2-3, 2006 from the Sulfur Recovery Unit 1 and 2 process vents (units IDs 14SRU1PCV and 33SRUPCV).
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Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$7,500
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Adjustment	\$2,500
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Violation Events

	1	2	Number of violation days
--	---	---	--------------------------

mark only one with an x	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Violation Base Penalty	\$2,500
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One quarterly event is recommended.	
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$0	\$7,500
This violation Final Assessed Penalty (adjusted for limits)	
\$7,500	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Refer to Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date	1-Nov-2007	Docket No.	2007-1427-AIR-E	PCW
Respondent	TOTAL PETROCHEMICALS USA, INC.			Policy Revision 2 (September 2002)
Case ID No.	34555			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102457520			
Media [Statute]	Air			
Enf. Coordinator	Daniel Siringi			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code §§ 113.340, 115.352(4), 116.155(c), 122.143(4), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 56385, SC 12E and 15, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to equip 3 open-ended lines and valves with a cap, blind flange, plug or second valve. Specifically, on March 7, 2007, the plugs were found missing at Tanks 504, 595 and 596.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential			x	Percent	10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0%

Matrix Notes
 Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events	1		1	Number of violation days
----------------------------	---	--	---	--------------------------

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$13	\$3,000
This violation Final Assessed Penalty (adjusted for limits)	
\$3,000	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	7-Mar-2007	18-Sep-2007	0.5	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost ensuring that adequate leak detection and repair procedures are in place and are followed by operators. Date required is the date open-ended lines were discovered and plugged and final date is the date the Respondent submitted documentation of proper procedures in place.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$13

Screening Date 1-Nov-2007 Respondent TOTAL PETROCHEMICALS USA, INC. Case ID No. 34555 Reg. Ent. Reference No. RN102457520 Media [Statute] Air Enf. Coordinator Daniel Siringi Violation Number 10 Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 56385, SC 4 and 5, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2007-1427-AIR-E Policy Revision 2 (September 2002) PCW Revision June 26, 2007	PCW																
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to prevent venting of VOC emissions directly to the atmosphere through the tank's hatches and an open process drain during the unloading of the two frac tanks (FO4075 and FO3025) on March 7, 2007. </div>																		
Base Penalty		\$10,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Major	Moderate	Minor	Release				Actual			x	Potential				Percent 25%
	Major	Moderate	Minor															
Release																		
Actual			x															
Potential																		
>> Programmatic Matrix																		
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Falsification</th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Falsification	Major	Moderate	Minor												
Falsification	Major	Moderate	Minor															
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		Percent 0%																
Adjustment		\$7,500																
		\$2,500																
Violation Events																		
Number of Violation Events 2 1 Number of violation days																		
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </tbody> </table>	daily		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$5,000				
daily																		
monthly																		
quarterly	x																	
semiannual																		
annual																		
single event																		
<div style="border: 1px solid black; padding: 5px; text-align: center;"> Two quarterly events are recommended, each representing one frac tank. </div>																		
Economic Benefit (EB) for this violation																		
Estimated EB Amount		\$104																
Statutory Limit Test																		
Violation Final Penalty Total		\$15,000																
This violation Final Assessed Penalty (adjusted for limits)		\$10,000																

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	7-Mar-2007	19-Mar-2008	1.0	\$104	n/a	\$104

Notes for DELAYED costs

Estimated cost of preventing VOC emissions from the two frac tank Nos. FO4075 and FO3025. Date required is the date of investigation and final date is the date the Respondent is expected to complete all the corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$104

Screening Date	1-Nov-2007	Docket No.	2007-1427-AIR-E	PCW
Respondent	TOTAL PETROCHEMICALS USA, INC.			Policy Revision 2 (September 2002)
Case ID No.	34555			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102457520			
Media [Statute]	Air			
Enf. Coordinator	Daniel Siringi			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 46396, SC 8F, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain the exterior surface of the tank as white or aluminium. Specifically, Tank 516 appeared rusty and black as observed and documented by the TCEQ investigator on March 7, 2007.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	x	
				Percent	10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent	0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events	1		1	Number of violation days
----------------------------	---	--	---	--------------------------

mark only one with an x	<div style="border: 1px solid black; padding: 2px;"> daily <input type="text"/> monthly <input type="text"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input checked="" type="text"/> </div>	
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One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$150	\$3,000
This violation Final Assessed Penalty (adjusted for limits)	
\$3,000	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	7-Mar-2007	19-Mar-2008	1.0	\$3	\$69	\$72
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,500	7-Mar-2007	19-Mar-2008	1.0	\$78	n/a	\$78
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The amount represents the estimated cost of completely painting white all the uninsulated tank exterior surfaces and/or the permit amendment cost. Date required is the date the violation was discovered and the final date is the estimated compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,600

TOTAL

\$150

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW
Respondent TOTAL PETROCHEMICALS USA, INC.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34555	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Daniel Siringi		
Violatoin Number 12		
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 49743, SC 8, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain the permitted loading limit of 500,050 barrels per year of Gas Oil at Dock 2. Specifically, a total of 1,660,191 barrels of Gas Oil at Dock 2 were loaded from January through December 2006.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 25%

>> Programmatic Matrix

	Falsification				
	Major	Moderate	Minor		
					Percent 0%

Matrix Notes
 Human health or the environment will or could be exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events	4	365	Number of violation days
----------------------------	---	-----	--------------------------

<small>mark only one with an x</small>	daily		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Four quarterly events are recommended.

Violation Base Penalty \$10,000

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$697	Violation Final Penalty Total \$30,000
This violation Final Assessed Penalty (adjusted for limits) \$30,000	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
 Case ID No. 34555
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jan-2005	15-Oct-2007	2.8	\$697	n/a	\$697

Notes for DELAYED costs

Estimated cost of training personnel on the loading restrictions. Date required is the date training should have been offered and final date is the date the Respondent submitted documentation that training and counseling had been completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$697

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34555		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Daniel Siringi		
Violation Number	<input type="text" value="13"/>	
Rule Cite(s)	30 Tex. Admin. Code §§ 113.340, 115.354(2), 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 12 F and 15, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to conduct fugitive monitoring using hydrocarbon gas analyzer from January 2005 through December 2006. Specifically, monitoring was not performed on Tanks 595 and 596 all four quarters in 2005 and 2006.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="25%"/>

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	

Estimated emissions of 530 pounds per year ("lbs/yr") of VOC were calculated utilizing the Facility/Compound specific emission factors from the EPA "Protocol for Equipment Leak Emission Estimates" publication. Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment	<input type="text" value="\$7,500"/>
<input type="text" value="\$2,500"/>	

Violation Events

Number of Violation Events	<input type="text" value="8"/>		Number of violation days	<input type="text" value="730"/>
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mark only one with an x	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Eight quarterly events are recommended for all four quarters of 2005 and 2006.

Violation Base Penalty	<input type="text" value="\$20,000"/>
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$446"/>
	Violation Final Penalty Total
	<input type="text" value="\$60,000"/>
This violation Final Assessed Penalty (adjusted for limits)	
<input type="text" value="\$60,000"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,200	1-Jan-2005	15-Oct-2007	2.8	\$446	n/a	\$446

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure quarterly fugitive monitoring is performed on Tanks 595 and 596. Date required is the first date that monitoring was not performed and final date is the date the Respondent updated the refinery's LDAR program.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,200

TOTAL

\$446

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34555		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Daniel Siringi		
Violation Number	<input type="text" value="14"/>	
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-01267, GTC and SC 1A, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	<p>Failed to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. Specifically, on January 3-9, 2005, the carbon canister series for the Southeast of the Gas Heater Treater ("GHT") was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on January 10, 2005.</p>	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent	<input type="text" value="25%"/>

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent
				<input type="text" value="0%"/>	
<p>Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.</p>					
Adjustment					<input type="text" value="\$7,500"/>

Violation Events

Number of Violation Events	<input type="text" value="1"/>		Number of violation days	<input type="text" value="7"/>
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$2,500"/>
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<p>One quarterly event is recommended.</p>				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$5"/>
	Violation Final Penalty Total
	<input type="text" value="\$7,500"/>
This violation Final Assessed Penalty (adjusted for limits)	
<input type="text" value="\$7,500"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 14

Percent Interest	Years of Depreciation
6.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$4,000	3-Jan-2005	10-Jan-2005	0.0	\$0	\$5	\$5
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of placing fresh carbon in the carbon canisters for the Southeast of the GHT. Date required is the first date of breakthrough and final date is the date the Respondent replaced the carbon canisters.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

TOTAL

\$5

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW																	
Respondent TOTAL PETROCHEMICALS USA, INC.	<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 34555	<small>PCW Revision June 26, 2007</small>																		
Reg. Ent. Reference No. RN102457520																			
Media [Statute] Air																			
Enf. Coordinator Daniel Siringi																			
Violation Number	15																		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1), 116.115(c), 122.143(4), 40 CFR § 60.695(a)(3)(II), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 13, and Tex. Health & Safety Code § 382.085(b)																		
Violation Description	Failed to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. Specifically, on March 23-25, 2005, the carbon canister series for the North stormwater sump was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on March 28, 2005.																		
Base Penalty		\$10,000																	
>> Environmental, Property and Human Health Matrix																			
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual			x	Potential			
		Harm																	
	Release	Major	Moderate	Minor															
Actual			x																
Potential																			
Percent 25%																			
>> Programmatic Matrix																			
Matrix Notes	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Falsification	Major	Moderate	Minor											
		Falsification	Major	Moderate	Minor														
Percent 0%																			
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.																			
Adjustment		\$7,500																	
		\$2,500																	
Violation Events																			
Number of Violation Events		1																	
		5																	
		Number of violation days																	
mark only one with an x	daily																		
	monthly																		
	quarterly	x																	
	semiannual																		
	annual																		
	single event																		
Violation Base Penalty		\$2,500																	
One quarterly event is recommended.																			
Economic Benefit (EB) for this violation		Statutory Limit Test																	
Estimated EB Amount	\$4	Violation Final Penalty Total \$7,500																	
		This violation Final Assessed Penalty (adjusted for limits) \$7,500																	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$4,000	23-Mar-2005	28-Mar-2005	0.0	\$0	\$4	\$4
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of placing fresh carbon in the carbon canisters for the North Stormwater Sump. Date required is the first date of breakthrough and final date is the date the Respondent replaced the carbon canisters.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

TOTAL

\$4

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW		
Respondent TOTAL PETROCHEMICALS USA, INC.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34555	<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN102457520				
Media [Statute] Air				
Enf. Coordinator Daniel Siringi				
Violation Number 16				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.110(a), 122.143(4), FOP No. O-01267, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to obtain permit authorization for four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front of Dock 3A and South Side Dock 3B. Specifically, the four units were documented as releasing emissions to the atmosphere during the investigation on March 7, 2007, without a permit or authorization.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
		Percent	25%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent		0%		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events		12	Number of violation days 183	
mark only one with an x	daily		Violation Base Penalty \$30,000	
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Twelve quarterly events are recommended, three for each of the four units, from investigation to screening.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount \$192		Violation Final Penalty Total \$90,000		
		This violation Final Assessed Penalty (adjusted for limits) \$90,000		

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
 Case ID No. 34555
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,500	7-Mar-2007	19-Sep-2008	1.5	\$192	n/a	\$192
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of obtaining a permit for the four carbon canisters. Date required is the date of investigation and the final date is the estimated date of corrective action completion.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$192

Screening Date 1-Nov-2007 Respondent TOTAL PETROCHEMICALS USA, INC. Case ID No. 34555 Reg. Ent. Reference No. RN102457520 Media [Statute] Air Enf. Coordinator Daniel Siringi Violation Number 17 Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 113.340, 115.352(2), 116.115(c), 122.143(4), 40 CFR § 60.592(a), FOP No. O-01267, GTC and SC 1A, Air Permit No. 19965, SC 2 and 5H, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2007-1427-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>
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Violation Description	Failed to repair twelve leaking fugitive components in the Liquefied Petroleum Gas ("LPG") loading area within 15 days after the discovery of the leaks. Specifically, eight valve packings, two valve screwed fittings and two valve bushings were incorrectly designated as infeasible to repair and were not repaired within 15 days as documented by a TCEQ investigator on March 7, 2007.
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Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	25%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					0%

Estimated emissions of 657 lbs/yr of VOC were calculated utilizing the Facility/Compound Specific emission factors from the EPA "Protocol for Equipment Leak Emission Estimates" publication. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
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Adjustment	\$7,500
Total	\$2,500

Violation Events

Number of Violation Events	2	183	Number of violation days
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mark only one with an x	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Two quarterly events are recommended from the investigation date of March 7, 2007 to the screening date of September 6, 2007.	
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$0
	Violation Final Penalty Total
	\$15,000
This violation Final Assessed Penalty (adjusted for limits)	
\$15,000	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Refer to Violation No. 9.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW				
Respondent TOTAL PETROCHEMICALS USA, INC.		Policy Revision 2 (September 2002)				
Case ID No. 34555		PCW Revision June 26, 2007				
Reg. Ent. Reference No. RN102457520						
Media [Statute] Air						
Enf. Coordinator Daniel Siringi						
Violation Number	<div style="border: 1px solid black; padding: 2px;">18</div>					
Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 115.114(a)(4), 122.143(4), FOP No. O-01267, GTC and SC 1A, and Tex. Health & Safety Code § 382.085(b)</div>					
Violation Description	<div style="border: 1px solid black; padding: 2px;">Failed to perform visual inspection on the secondary seal of external floating roof tank 453 from July through December 2006. Specifically, visual inspection is required at least once every six months on an external floating roof tank.</div>					
Base Penalty		<div style="border: 1px solid black; padding: 2px;">\$10,000</div>				
>> Environmental, Property and Human Health Matrix						
OR	Harm			Percent	<div style="border: 1px solid black; padding: 2px;">10%</div>	
	Release	Major	Moderate			Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor	Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$9,000</div>	
					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>		Number of violation days		<div style="border: 1px solid black; padding: 2px;">30</div>
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$1,000</div>		
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>				
One single event is recommended.						
Economic Benefit (EB) for this violation				Statutory Limit Test		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$97</div>		Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$3,000</div>
This violation Final Assessed Penalty (adjusted for limits)						<div style="border: 1px solid black; padding: 2px;">\$3,000</div>

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
 Case ID No. 34555
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Dec-2006	19-Mar-2008	1.3	\$97	n/a	\$97

Notes for DELAYED costs

Estimated cost of implementing procedures to ensure visual inspection is performed on the secondary seal of external floating roof tank 453. Date required is the first date inspection was not performed and final date is the date the Respondent is expected to complete all the corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$97

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34555		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Daniel Siringi		
Violation Number 19		
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), 122.146(5)(D), FOP No. O-01267, GTC, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. Specifically, six deviations were not reported in a semi-annual report or the annual compliance certifications for the years 2005 and 2006.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent	
		x				25%
	100% of the rule requirement was not met.					

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events	4	730	Number of violation days
<small>mark only one with an x</small>	daily		Violation Base Penalty
	monthly		
	quarterly		
	semiannual	x	
	annual		
single event			

Four semi-annual events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$386	\$30,000
This violation Final Assessed Penalty (adjusted for limits)	
\$30,000	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
 Case ID No. 34555
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,400	1-Jan-2005	19-Mar-2008	3.2	\$386	n/a	\$386

Notes for DELAYED costs

Estimated cost of reporting deviations. Date required is the date the deviations should have been reported and final date the Respondent is expected to complete all the corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,400

TOTAL

\$386

Screening Date 1-Nov-2007	Docket No. 2007-1427-AIR-E	PCW
Respondent TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34555		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Daniel Siringi		
Violation Number	<input type="text" value="20"/>	
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1)(B), 122.143(4), FOP No. O-01267 GTC and SC 2F, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to submit the initial notification of a reportable emissions event within 24 hours of discovery to the TCEQ Beaumont Regional Office. Specifically, the emissions event which occurred on March 16, 2007, at the Cogen Stack, EPN 60COGNSTK (Incident No. 89927) was not submitted to the TCEQ until April 20, 2007.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	
	Percent <input type="text" value="1%"/>				

Matrix Notes	At least 70% of the rule requirement was met.
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Adjustment	<input type="text" value="\$9,900"/>
	<input type="text" value="\$100"/>

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="35"/>	Number of violation days
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<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	

Violation Base Penalty	<input type="text" value="\$100"/>
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One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$7"/>	Violation Final Penalty Total <input type="text" value="\$300"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$300"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34555
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	17-Mar-2007	15-Oct-2007	0.6	\$7	n/a	\$7

Notes for DELAYED costs

Estimated costs for plant personnel to properly and timely file an emissions event. Date required is 24 hours after the plant discovered the event and the final date is the date revised procedures were implemented.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$7

Screening Date 1-Nov-2007 Respondent TOTAL PETROCHEMICALS USA, INC. Case ID No. 34555 Reg. Ent. Reference No. RN102457520 Media [Statute] Air Enf. Coordinator Daniel Siringi Violation Number 21 Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267 GTC and SC 27, Air Permit No. 16840 and PSD-TX-688M2, GC 1, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2007-1427-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>
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Violation Description	Failed to prevent unauthorized emissions of 216.64 lbs of NOx during a two hour emissions event which occurred at the Cogen Stack, EPN 60COGNSTK on March 16, 2007, (Incident No. 89927) due to unexpected sticking of the 63PV3025 steam control let-down valve causing the NOx steam system to shutdown. Since the emissions event was not properly reported, the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.
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Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	25%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	0%

Adjustment	\$7,500
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Adjustment	\$2,500
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Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="1"/>	Number of violation days
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<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

One quarterly event is recommended.	
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
<input style="width: 150px;" type="text" value="\$177"/>	<input style="width: 150px;" type="text" value="\$7,500"/>
This violation Final Assessed Penalty (adjusted for limits)	
<input style="width: 150px;" type="text" value="\$7,500"/>	

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,500	16-Mar-2007	19-Mar-2008	1.0	\$177	n/a	\$177

Notes for DELAYED costs

Estimated cost of properly operating the Cogen Stack, EPN 60COGNSTK. Date required is the date of the emissions event and final date is the date the Respondent is expected to complete all corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$177

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	Total Petrochemicals USA, Inc.	Classification: AVERAGE	Rating: 3.04
Regulated Entity:	RN102457520	TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 11.71

ID Number(s):	WASTEWATER	PERMIT	WQ0000491000
	WASTEWATER	PERMIT	TPDES0004201
	WASTEWATER	PERMIT	TX0004201
	AIR NEW SOURCE PERMITS	PERMIT	16778
	AIR NEW SOURCE PERMITS	PERMIT	2347
	AIR NEW SOURCE PERMITS	PERMIT	3615
	AIR NEW SOURCE PERMITS	PERMIT	5694
	AIR NEW SOURCE PERMITS	PERMIT	9194
	AIR NEW SOURCE PERMITS	PERMIT	9195
	AIR NEW SOURCE PERMITS	PERMIT	10183
	AIR NEW SOURCE PERMITS	PERMIT	10908
	AIR NEW SOURCE PERMITS	PERMIT	10970
	AIR NEW SOURCE PERMITS	PERMIT	11273
	AIR NEW SOURCE PERMITS	PERMIT	11710
	AIR NEW SOURCE PERMITS	PERMIT	12697
	AIR NEW SOURCE PERMITS	PERMIT	14781
	AIR NEW SOURCE PERMITS	PERMIT	16423
	AIR NEW SOURCE PERMITS	PERMIT	16424
	AIR NEW SOURCE PERMITS	PERMIT	16840
	AIR NEW SOURCE PERMITS	PERMIT	5694A
	AIR NEW SOURCE PERMITS	PERMIT	8983A
	AIR NEW SOURCE PERMITS	PERMIT	9195A
	AIR NEW SOURCE PERMITS	PERMIT	9194A
	AIR NEW SOURCE PERMITS	PERMIT	9193A
	AIR NEW SOURCE PERMITS	PERMIT	17352
	AIR NEW SOURCE PERMITS	PERMIT	17920
	AIR NEW SOURCE PERMITS	PERMIT	18936
	AIR NEW SOURCE PERMITS	PERMIT	19490
	AIR NEW SOURCE PERMITS	PERMIT	19965
	AIR NEW SOURCE PERMITS	PERMIT	20381
	AIR NEW SOURCE PERMITS	PERMIT	35330
	AIR NEW SOURCE PERMITS	PERMIT	35329
	AIR NEW SOURCE PERMITS	PERMIT	36873
	AIR NEW SOURCE PERMITS	PERMIT	41280
	AIR NEW SOURCE PERMITS	PERMIT	43109
	AIR NEW SOURCE PERMITS	PERMIT	43981
	AIR NEW SOURCE PERMITS	PERMIT	44046
	AIR NEW SOURCE PERMITS	PERMIT	45378
	AIR NEW SOURCE PERMITS	PERMIT	46060
	AIR NEW SOURCE PERMITS	PERMIT	46396
	AIR NEW SOURCE PERMITS	PERMIT	47047
	AIR NEW SOURCE PERMITS	PERMIT	47520
	AIR NEW SOURCE PERMITS	PERMIT	48595
	AIR NEW SOURCE PERMITS	PERMIT	48600
	AIR NEW SOURCE PERMITS	PERMIT	49417
	AIR NEW SOURCE PERMITS	PERMIT	49743
	AIR NEW SOURCE PERMITS	PERMIT	49982
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
	AIR NEW SOURCE PERMITS	PERMIT	51719
	AIR NEW SOURCE PERMITS	PERMIT	49136
	AIR NEW SOURCE PERMITS	PERMIT	54026
	AIR NEW SOURCE PERMITS	PERMIT	54742
	AIR NEW SOURCE PERMITS	REGISTRATION	55151
	AIR NEW SOURCE PERMITS	REGISTRATION	55631
	AIR NEW SOURCE PERMITS	PERMIT	55916
	AIR NEW SOURCE PERMITS	PERMIT	55684
	AIR NEW SOURCE PERMITS	AFS NUM	4824500037
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6

AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	REGISTRATION # (SWR)	
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000

WATER LICENSING
INDUSTRIAL AND HAZARDOUS WASTE
COMPLIANCE PLANS

LICENSE
PERMIT

1230048
50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: August 29, 2007

Rating Date: September 01 06 Repeat Violator:
NO

Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 29, 2002 to August 29, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Daniel Siringi Phone: (409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 09/25/2003

ADMINORDER 2003-0119-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

Effective Date: 05/14/2004

ADMINORDER 2002-0888-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT
SC2 PERMIT

SC2B PERMIT
SC3H PERMIT

Description: Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart GGG 60.592(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC2 PERMIT

Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

40 CFR Part 60, Subpart GGG 60.592(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC5 PERMIT

Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6,

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004

ADMINORDER 2002-1051-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent the unauthorized release of VOC, SO₂, and CO emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the permitted nitrogen oxide (NO₂) emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 01/08/2005

ADMINORDER 2003-1481-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, GC 8 & SC 1 PERMIT
PSD-TX-1005, GC 8 & SC 1 PERMIT

Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
30 TAC Chapter 334, SubChapter B 334.21(b)

Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 03/03/2005

ADMINORDER 2004-0065-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on September 8-9, 2003.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PSD-TX-453M6, Special Condition 1 PERMIT

Special Condition 1 PERMIT

Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur Dioxide and Hydrogen Sulfide on September 8-9, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, Special Condition 1 PERMIT

Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, SC 1 PERMIT

Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx

stack testing conducted on January 15-16, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, SC 4E PERMIT

Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit which began on September 21, 2003 within 24 hours of discovery.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21,

Effective Date: 03/21/2005

ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 lbs of VOCs, 8,820.5 lbs of SO₂, 24.2 lbs of NO_x, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO₂, 45.5 lbs of NO_x, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936, MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Emitted into the atmosphere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.
Effective Date: 05/25/2007 ADMINORDER 2006-1095-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16840 and PSD-TX-688M2 PERMIT

Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate below 7.56 lb/hr at the FPM Cooling Tower during the time described by Incident No. 71740.

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/29/2002	(3801)
2	09/23/2002	(157214)
3	10/18/2002	(157217)
4	10/23/2002	(12544)
5	10/24/2002	(12480)
6	11/05/2002	(16050)
7	11/21/2002	(157221)
8	11/22/2002	(5078)
9	11/26/2002	(16327)
10	12/03/2002	(18034)
11	12/13/2002	(18670)
12	12/20/2002	(157225)
13	01/21/2003	(20714)
14	01/21/2003	(157229)
15	01/28/2003	(22061)
16	02/07/2003	(22079)
17	02/20/2003	(157187)
18	03/19/2003	(157190)
19	04/18/2003	(157196)
20	04/25/2003	(25379)
21	05/08/2003	(33263)
22	05/21/2003	(157200)
23	05/28/2003	(60762)
24	05/30/2003	(60547)
25	06/23/2003	(157204)
26	07/16/2003	(112393)
27	07/21/2003	(157208)
28	08/19/2003	(147506)
29	08/21/2003	(147314)

30	08/21/2003	(295015)
31	08/29/2003	(33657)
32	08/29/2003	(31893)
33	09/22/2003	(295017)
34	10/17/2003	(152374)
35	10/21/2003	(295019)
36	11/10/2003	(140784)
37	11/21/2003	(295020)
38	12/15/2003	(252528)
39	12/17/2003	(253859)
40	12/22/2003	(295021)
41	01/07/2004	(251647)
42	01/14/2004	(259132)
43	01/16/2004	(257106)
44	01/21/2004	(295022)
45	02/18/2004	(262253)
46	02/23/2004	(295004)
47	02/25/2004	(263664)
48	03/05/2004	(258714)
49	03/18/2004	(259900)
50	03/22/2004	(295006)
51	03/30/2004	(332764)
52	04/08/2004	(265693)
53	04/19/2004	(295007)
54	04/23/2004	(264889)
55	04/28/2004	(269294)
56	05/21/2004	(295009)
57	05/25/2004	(271847)
58	06/15/2004	(271209)
59	06/17/2004	(275130)
60	06/17/2004	(273769)
61	06/22/2004	(295011)
62	06/23/2004	(269696)
63	07/12/2004	(269851)
64	07/21/2004	(295013)
65	07/29/2004	(269691)
66	08/16/2004	(281567)
67	08/17/2004	(280413)
68	08/17/2004	(286899)
69	08/17/2004	(283908)
70	08/23/2004	(351943)
71	08/31/2004	(280247)
72	08/31/2004	(285080)
73	09/21/2004	(351944)
74	09/27/2004	(282656)

75	10/21/2004	(351945)
76	11/12/2004	(291212)
77	11/18/2004	(351946)
78	11/29/2004	(337787)
79	12/07/2004	(341531)
80	12/14/2004	(269700)
81	12/17/2004	(351947)
82	01/11/2005	(345742)
83	01/11/2005	(286852)
84	01/11/2005	(345734)
85	01/11/2005	(345047)
86	01/21/2005	(381770)
87	02/21/2005	(381768)
88	03/11/2005	(346656)
89	03/11/2005	(350459)
90	03/11/2005	(348120)

91	03/17/2005	(381769)
92	03/29/2005	(372850)
93	04/22/2005	(419600)
94	04/27/2005	(345893)
95	05/19/2005	(419601)
96	06/15/2005	(394699)
97	06/16/2005	(395449)
98	06/17/2005	(380022)
99	06/17/2005	(395181)
100	06/21/2005	(393771)
101	06/21/2005	(419602)
102	06/27/2005	(394004)
103	06/27/2005	(375095)
104	07/08/2005	(380986)
105	07/12/2005	(379108)
106	07/13/2005	(395545)
107	07/18/2005	(398333)
108	07/18/2005	(396246)
109	07/21/2005	(440742)
110	08/08/2005	(400586)
111	08/08/2005	(400578)
112	08/08/2005	(395607)
113	08/10/2005	(398204)
114	08/14/2005	(402622)
115	08/14/2005	(400928)
116	08/15/2005	(404442)
117	08/15/2005	(399684)
118	08/15/2005	(403311)
119	08/15/2005	(371587)
120	08/19/2005	(440743)
121	08/31/2005	(340674)
122	08/31/2005	(402164)
123	09/19/2005	(440744)
124	10/21/2005	(468272)
125	11/04/2005	(431104)
126	11/04/2005	(436336)
127	11/04/2005	(435646)
128	11/15/2005	(405196)
129	11/15/2005	(436413)
130	11/15/2005	(435255)
131	11/15/2005	(436155)
132	11/15/2005	(434630)
133	11/18/2005	(435866)
134	11/18/2005	(435774)
135	11/18/2005	(435804)
136	11/18/2005	(435798)
137	11/21/2005	(468273)
138	12/07/2005	(435751)
139	12/12/2005	(404612)
140	12/15/2005	(468274)
141	01/18/2006	(449944)
142	01/19/2006	(440180)

143	01/19/2006	(439503)
144	01/23/2006	(468275)
145	01/24/2006	(452104)
146	02/06/2006	(437341)
147	02/07/2006	(453479)
148	02/07/2006	(450128)
149	02/13/2006	(450178)
150	02/13/2006	(450341)
151	02/15/2006	(454193)

152	02/21/2006	(468270)
153	02/24/2006	(452413)
154	02/24/2006	(450992)
155	03/21/2006	(468271)
156	04/10/2006	(454251)
157	04/18/2006	(455136)
158	04/21/2006	(498089)
159	04/28/2006	(462859)
160	05/11/2006	(461924)
161	05/11/2006	(463343)
162	05/11/2006	(465492)
163	05/11/2006	(465525)
164	05/11/2006	(464460)
165	05/11/2006	(464168)
166	05/11/2006	(464473)
167	05/11/2006	(464467)
168	05/11/2006	(465518)
169	05/11/2006	(465489)
170	05/12/2006	(463148)
171	05/12/2006	(451451)
172	05/12/2006	(454148)
173	05/12/2006	(454494)
174	05/22/2006	(498090)
175	05/22/2006	(464542)
176	05/30/2006	(461199)
177	06/14/2006	(480809)
178	06/22/2006	(498091)
179	06/28/2006	(465850)
180	07/21/2006	(520109)
181	07/25/2006	(482058)
182	07/27/2006	(485194)
183	08/23/2006	(520110)
184	08/31/2006	(460545)
185	09/19/2006	(520111)
186	09/22/2006	(510639)
187	10/20/2006	(544367)
188	11/15/2006	(517804)
189	11/22/2006	(544368)
190	12/21/2006	(544369)
191	12/28/2006	(335708)
192	12/29/2006	(431565)
193	01/12/2007	(531450)
194	01/18/2007	(532164)
195	01/23/2007	(544370)
196	01/29/2007	(531801)
197	02/01/2007	(538715)
198	02/01/2007	(537518)
199	02/02/2007	(497612)
200	02/05/2007	(466788)
201	02/14/2007	(539270)
202	02/14/2007	(540328)
203	02/23/2007	(540617)
204	03/19/2007	(538927)
205	04/09/2007	(542889)
206	04/21/2007	(540306)
207	05/02/2007	(557540)
208	05/17/2007	(554816)
209	05/18/2007	(554787)
210	05/21/2007	(558572)
211	06/28/2007	(558540)
212	07/10/2007	(565190)

213 07/11/2007 (560069)
 214 07/11/2007 (542342)
 215 07/23/2007 (567241)
 216 08/06/2007 (567736)
 217 08/14/2007 (543994)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	03/30/2004	(332764)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	03/31/2004	(295007)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/26/2004	(264889)		
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall,			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT WQ 491-000			
Description:	The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated.			
Date	03/29/2005	(372850)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121[G]			
Description:	Failure to have a monitoring plan.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]			
Description:	Failure to maintain vent on ground storage tank.			
Date	11/30/2005	(468274)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2006	(468270)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: PERMIT PC, 2g
Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR, No. 1
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT Opr, No. 1
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Date: 05/31/2006 (461199)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: The facility failed to update the notice of registration

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

Date: 06/30/2006 (520109)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2006 (544370)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant): TOTAL PETROCHEMICALS USA INC

CUSTOMER NO.: CN600582399

REGULATED ENTITY: ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX

REG. ENTITY NO.: RN102457520

REG. ENTITY ADDRESS: HIGHWAY 366 AND 32ND STREET

REG. ENTITY CITY: PORT ARTHUR

Violations

EPA CASE NO.:

06-2002-0901

CLASSIFICATION: MAJOR

ORDER ISSUED DATE (YYYYMMDD):

20021008

STATUTE: RCRA SECT. OF STATUTE: 3005

ENFORCEMENT ACTION TYPE: Administrative Penalty Order

CITATION: 40CFR CITE PART: 262 CITE SECT.: 34

CASE RESULT:

Final Order With Penalty

PROGRAM: Hazardous Waste Management- C-I

VIOLATION TYPE: RCRA Permit Evader

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOTAL PETROCHEMICALS USA,
INC.
RN102457520**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1427-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TOTAL PETROCHEMICALS USA, INC. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical refinery at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 19, 2007, September 5, 2007 and November 1, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Hundred Twenty-Nine Thousand Three Hundred Dollars (\$529,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720) of the administrative penalty and One Hundred Five

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

208 AUG -5 AM 8-41

CHIEF CLERKS OFFICE

Thousand Eight Hundred Sixty Dollars (\$105,860) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On March 7, 2007, and June 6, 2007 through August 27, 2007, capped the three open-ended lines and twelve leaking fugitive components in the Liquefied Petroleum Gas ("LPG") Loading area that were discovered on the same dates. On September 18, 2007, the Respondent submitted documentation that enhanced leak detection and repair ("LDAR") procedures were in place for open-ended lines;
 - b. On October 15, 2007, submitted documentation that fresh carbon was placed in the canisters on the date of discovery of breakthrough for the Southeast of the Gas Heater Treater ("GHT") and North Storm-water sump;
 - c. On October 15, 2007, submitted documentation that training and counseling were administered in December 2006 to the concerned employees on the loading restrictions to ensure compliance with loading limits of Gas Oil at Dock 2;
 - d. On May 30, 2007, launched an electronic compliance system at the Plant to alert personnel when to take pre-emptive action prior to exceeding a permit limit for Carbon Monoxide ("CO") at the Fluid Catalytic Cracking Unit ("FCCU") Regenerator Stack and the Tail Gas Thermal Oxidizer and for Sulfur Dioxide ("SO2") at the Sulfur Recovery Unit 1 and 2 process vents. The system alerts personnel when predetermined internal limits are exceeded allowing for corrective action prior to exceeding a permit limit;
 - e. On October 15, 2007, submitted documentation that the refinery's LDAR program has been updated to include Tanks 595 and 596 for monitoring with a hydrocarbon analyzer;
 - f. On August 30, 2007, completed the compliance testing for the 805 Charge Heater [Emissions Point Number ("EPN") 51DHTIH-1], Reboiler (EPN 51DHT1H-3), Mild Hydrocracker ("MHC") H-1 heater (EPN 52DHT2H-1) and the Distillate Hydrotreater ("DHT") Florida Heater (EPN 52DHT2H-2A/B); and
 - g. On October 15, 2007, submitted documentation that a revised Standard Operating Procedure ("SOP") has been implemented designed to ensure timely reporting of

emissions events. Additionally, on April 20, 2007, Beaumont Regional Office received an emissions report for the March 16, 2007 emissions event.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain an emission rate below the allowable emission limits for CO, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), Federal Operating Permit ("FOP") No. O-01267, General Terms and Conditions ("GTC") and Special Condition ("SC") 27, Air Permit 18936/PSD-TX-762M2, General Condition ("GC") 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, on May 4, 2006, for a period of one hour, the FCCU Regenerator stack emitted unauthorized emissions of approximately 71.31 pounds ("lbs") of CO to the atmosphere.
2. Failed to conduct compliance testing for the 805 Charge Heater (EPN 51DHT1H-1), 805 Reboiler (EPN 51DHT1H-3), MHC H-1 Heater (EPN52DHT2H-1) and the DHT Florida Heater (EPN52DHT2H-2A/B) within 60 days of the initial startup which occurred on July 8, 2005, May 11, 2006, July 20, 2006 and March 9, 2007, respectively, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 2347, SC 10, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007.
3. Failed to maintain Volatile Organic Compound ("VOC") emissions below the allowable emission rates, in violation of 30 TEX. ADMIN. CODE §§ 106.6(b), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 56385, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, Tanks 482 and 540 exceeded their tons per year ("tpy") limit by 21.58 tpy as documented in the 2005 Emissions Inventory ("EI").
4. Failed to operate Spent Acid Tanks 688 and 923 in accordance with Permit-by-Rule requirements, in violation of 30 TEX. ADMIN. CODE §§ 106.472, 115.112(a)(1), 122.143(4), FOP No. O-01267, GTC and SC 4, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, Spent Acid Tanks 688 and 923 were not operating within the required Reid Vapor Pressure ("RVP") for tanks containing

VOCs according to sampling conducted in February 2005 for Tank 923 and in March 2005 for Tank 688.

5. Failed to comply with the Nitrogen Oxide ("NOx") maximum allowable emissions rate of 9.93 pounds per hour ("lbs/hr") for the Crude Unit Heater (ID 02ACU2H201) intermittently from March 3, 2006 through July 18, 2007, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 18936 and PSD-TX-762M2, GC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. The calculated NOx emissions ranged up to 22.2 lbs/hr.
6. Failed to maintain NOx emissions below the allowable emission rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 234, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, 0.91 tpy of unauthorized NOx emissions from the 805 Reboiler was released as documented in the 2005 EI.
7. Failed to maintain CO emissions below the allowable emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 9195A and PSD-TX-453M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, on May 17, 2006, 18.26 lbs/hr of unauthorized CO were released from the Tail Gas Thermal Oxidizer to the atmosphere.
8. Failed to limit the discharge of SO2 into the atmosphere to 250 parts per million ("ppm") by volume at 0% excess air from the Claus Sulfur Recovery plant, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.780, 116.115(c), 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.104(a)(2)(i), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 9195A and PSD-TX-453M6, SC 3, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, 24 exceedances of the 250 ppm SO2 12-hour rolling average were documented on July 2-3, 2006 from the Sulfur Recovery Unit 1 and 2 process vents (units IDs 14SRU1PCV and 33SRUPCV).
9. Failed to equip three open-ended lines and valves with a cap, blind flange, plug or second valve, in violation of 30 TEX. ADMIN. CODE §§ 113.340, 115.352(4), 116.155(c), 122.143(4), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 56385, SC 12E, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, on March 7, 2007, the plugs were found missing at Tanks 504, 595, and 596 and replaced.
10. Failed to prevent venting of VOC emissions directly to the atmosphere through the tank's hatches and an open process drain during the unloading of the two frac tanks (FO4075 and FO3025) on March 7, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 56385, SC 4 and 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007.
11. Failed to maintain the exterior surface of the tank as white or aluminium, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 46396, SC 8F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an

investigation conducted on March 7 through 20, 2007. Specifically, Tank 516 appeared rusty and black as observed and documented by the TCEQ investigator on March 7, 2007.

12. Failed to maintain the permitted loading limit of 500,050 barrels per year of Gas Oil at Dock 2, in violation of 30 TEX. ADMIN. CODE §§116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 49743, SC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, a total of 1,660,191 barrels of Gas Oil at Dock 2 were loaded from January to December 2006.
13. Failed to conduct fugitive monitoring using hydrocarbon gas analyzer from January 2005 through December 2006, in violation of 30 TEX. ADMIN. CODE §§ 113.340, 115.354(2), 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 12 F and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, monitoring was not performed on Tanks 595 and 596 all four quarters in 2005 and 2006.
14. Failed to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-01267, GTC and SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, on January 3 through 9, 2005, the carbon canister series for the Southeast of the GHT was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on January 10, 2005.
15. Failed to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 122.143(4), 40 CFR § 60.695(a)(3)(ii), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 13, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, on March 23 through 25, 2005, the carbon canister series for the North stormwater sump was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on March 28, 2005.
16. Failed to obtain permit authorization for four carbon canister series identified as Southwest of GHT, End of Dock 1, in front of Dock 3A and South Side Dock 3B, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a), 122.143(4), FOP No. O-01267, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, the four units were documented as releasing emissions to the atmosphere during an investigation on March 7 through 20, 2007 without a permit or authorization.
17. Failed to repair twelve leaking fugitive components in the LPG loading area within 15 days after the discovery of the leaks, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 113.340, 115.352(2), 116.115(c), 122.143(4), 40 CFR § 60.592(a), FOP No. O-01267, GTC and SC 1A, Air Permit No. 19965, SC 2 and 5H, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, eight valve packings, two valve screwed fittings and two valve bushings were incorrectly designated as infeasible to repair and were not repaired within 15 days.

18. Failed to perform visual inspection on the secondary seal of external floating roof tank 453 from July through December 2006, in violation of 30 TEX. ADMIN. CODE §§ 115.114(a)(4), 122.143(4), FOP No. O-01267, GTC and SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, visual inspection is required at least once every six months on an external floating roof tank.
19. Failed to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(5)(D), FOP No. O-01267, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, six deviations were not reported in a semi-annual report or the annual compliance certifications for the years 2005 and 2006.
20. Failed to submit the initial notification of a reportable emissions event within 24 hours of discovery to the Beaumont Regional Office, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B), 122.143(4), FOP No. O-01267, GTC and SC 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 26, 2007. Specifically, the emissions event which occurred on March 16, 2007 at the Cogen Stack, EPN 60COGNSTK (Incident No. 89927) was not submitted to the TCEQ until April 20, 2007.
21. Failed to prevent unauthorized emissions of 216.64 lbs of NOx during a two hour emissions event which occurred at the Cogen Stack, EPN 60COGNSTK on March 16, 2007, (Incident No. 89927) due to unexpected sticking of the 63PV3025 steam control let-down valve causing the NOx steam system to shutdown, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267 GTC and SC 27, Air Permit No. 16840 and PSD-TX-688M2, GC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 26, 2007. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2007-1427-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure routine visual inspection on the secondary seal of the external floating roof Tank 453 is conducted;
 - ii. Implement as necessary, upgrades to ensure compliance with SC 4 and 5 of Permit No. 56385 during the unloading of frac Tank Nos. F04075 and FO3025;
 - iii. Report all the deviations associated with Allegations No. 13, 14, 15, and 17 on the next deviation report;
 - iv. Remove Spent Acid Tanks 688 and 923 from VOC service or obtain authorization to modify Spent Acid Tanks 688 and 923 to include the proper control equipment in accordance with 30 TEX. ADMIN. CODE § 115.112 for VOC storage;
 - v. Implement measures designed to prevent the recurrence of emissions events due to causes the same as those associated with the March 16, 2007 event;
 - vi. Submit administratively complete permit applications to: 1) obtain authorization for the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B; 2) raise the firing rate of the Crude Unit Heaters and the 805 Reboiler to ensure compliance with permitted NOx limits; 3) raise VOC limits on Tanks 482 and 540 to a rate that is equal to or greater than the emission rates reported in the 2005 EI; 4) amend Permit No. 46396, SC 8F to change the required color of Tank 516 from white or aluminum to black, or paint Tank 516 white or aluminum. These permit applications shall be submitted in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
PO Box 13087
Austin, Texas 78711-3087
 - b. Within 45 days after the effective date of this Agreed Order, or within 105 days with regard to the color of Tank 516 if the option is exercised for painting the tank rather than amending the permit to change the required color, submit certification as described in Ordering Provision No. 3.e. below for Ordering Provision No. 3.a.;

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit applications within 30 days after the date of such requests, or by any other deadline specified in writing;
- d. Within 180 days after the effective date of this Agreed Order, submit certification as described in Ordering Provision No. 3.e. below that 1) either authorization to operate the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B as a source of air emissions has been obtained or that operation has ceased until such a time that appropriate authorization is obtained; 2) the firing rates of the Crude Unit Heaters and the 805 Reboiler have been raised to ensure compliance with permitted NOx limits; 3) the VOC limits on Tanks 482 and 540 have been raised to a rate that is equal to or greater than the emission rates reported in the 2005 EI; and
- e. The certifications required by Ordering Provision Nos. 3.b. and 3.d. should be submitted as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or

other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

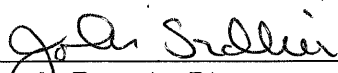
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

TOTAL PETROCHEMICALS USA, INC.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/18/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions, and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution


Signature

2/25/08
Date

Darrell Jacob
Name (Printed or typed)
Authorized Representative of
TOTAL PETROCHEMICALS USA, INC.

Refinery Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-1427-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TOTAL PETROCHEMICALS USA, INC.
Payable Penalty Amount:	Four Hundred Twenty-Three Thousand Four Hundred Forty Dollars (\$423,440)
SEP Amount:	Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon

emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

